

1 J. Halbritter 52

2 A Yes.

3 Q A lot of it's been redacted.

4 MR. RIMBERG: I think counsel will  
5 agree.

6 MR. CRACO: Yes. I will represent  
7 for the record that I redacted all but  
8 the first page and the last page and  
9 portions of the first page.

10 MR. RIMBERG: My question is, are  
11 these two pages, being the first more  
12 particularly, the only one that has an  
13 address on it?

14 MR. CRACO: That's correct.

15 Q On the second page --

16 MR. CRACO: The only one that has  
17 plaintiff's address on it.

18 MR. RIMBERG: Plaintiff's address.

19 Q On the second page, there's a client  
20 certification. Do you recognize your signature on  
21 this page?

22 A I do.

23 Q That's your signature, the top one above  
24 that says, Jane Halbritter?

25 A Yes, it is.

1 J. Halbritter 53

2 Q Before you signed the statement of net  
3 worth, you went through this?

4 A Apparently not as well as I should have.

5 Q But were you given the opportunity to go  
6 through it?

7 A I was.

8 Q When you filled it out, were you  
9 represented by counsel?

10 A Yes, I was.

11 Q On it; it had your address as of April  
12 24, 2007, when you signed this?

13 A Yes.

14 Q It lists your address up in Rome, New  
15 York?

16 A Yes.

17 Q Since April 24th of 2007, have you  
18 filled out any subsequent statements of net worth?

19 A I've been trying to, if I could get my  
20 lawyer to -- I've been about to amend that, but we  
21 haven't since then.

22 Q So it hasn't been amended?

23 A It has not been, yes.

24 MR. CRACO: I just want to note my  
25 objection for the record.

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1 J. Halbritter 54

2 I believe there's a question that  
3 Mr. Rimberg asked a question or two ago  
4 that perhaps is not accurately  
5 characterize what hte document says.

6 The document was executed on April  
7 24, 2007. But I believe on the face of  
8 the document, it says it's accurate as  
9 of April 1, 2007. Just note that for  
10 the record.

11 MR. RIMBERG: Okay, that is  
12 correct.

13 Q It says on the top here, so as of April  
14 1, it list your address in Rome, New York; is that  
15 correct?

16 A Yes.

17 Q This was executed, which means that you  
18 signed it on April 24, 2007; is that correct?

19 A Yes.

20 Q Do you have a real estate license?

21 A No.

22 Q Do you have any other professional  
23 licenses?

24 A No.

25 Q Are you attending school anywhere right

1 J. Halbritter 55

2 now?

3 A No.

4 Q Back in May of 2007, were you attending  
5 school anywhere?

6 A I don't think so.

7 MR. RIMBERG: Off the record.

8 (Whereupon, a discussion was held  
9 off the record.)

10 MR. RIMBERG: Would you mark this  
11 as Defendant's Exhibit G, please?

12 (Whereupon, five pages  
13 ^ Description was marked as Defendant's  
14 Exhibit G, for identification, as of  
15 this date.)

16 Q I'm going to show you what's marked as  
17 Defendant's Exhibit G for identification, which is  
18 entitled State of New York Executive Department Office  
19 of General Services real estate planning, Mayor  
20 Erastus Corning, second tower. I ask you if you could  
21 take a look at this?

22 A Yes.

23 Q What is this?

24 A I believe it's a lease for that Gore  
25 Road school.

1

J. Halbritter

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2

Q Gore Road school?

3

A The property that I said I owned. I

4

call it Gore Road L.L.C., I call it. It was formerly

5

an elementary school that I lease out.

6

Q As of May, was it a lease, was it to the

7

elementary school still, or was it --

8

A No. It was an elementary school. Now

9

it's just an an office building that I lease to the

10

State of New York and a couple other tenants.

11

Q So one of the tenants is pursuant to

12

this lease; is that correct?

13

A Yes.

14

Q The other tenant have lease as well?

15

A Yes.

16

Q Do you have copies of those leases?

17

A I think you have them.

18

Q Okay.

19

MR. RIMBERG: Can you mark this as

20

Defendant's Exhibit H, please?

21

(Whereupon, three pages

22

^ Description was marked as Defendant's

23

Exhibit H, for identification, as of

24

this date.)

25

Q I want you show you what's been marked

LEX REPORTING SERVICE

1

J. Halbritter

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2

as Defendant's Exhibit H for identification. It's a

3

lease between Jane Halbritter and Mohawk Valley

4

Community Action Agency. Ask if you've seen this

5

before?

6

A I believe so. Yes.

7

Q Is this one of the other tenants in the

8

Gore property?

9

A Yes.

10

Q Is the Gore property owned under your

11

name individually?

12

A Yes.

13

Q Okay.

14

A Well, I mean as an L.L.C., so I'm a sole

15

partner. So --

16

Q What's the name of the L.L.C.?

17

A Gore Road, L.L.C.

18

Q And the leases were entered under your

19

name, individually; is that correct?

20

A I'd have to ask my counsel, I guess.

21

Q Well, what it says, based on --

22

MR. CRACO: The document speaks

23

for itself --

24

THE WITNESS: Yes.

25

MR. CRACO: -- and lists, lessor

1 J. Halbritter 58

2 Jane Halbritter.

3 MR. RIMBERG: Can you mark this as  
4 Defendant's Exhibit I, please?

5 (Whereupon, two pages  
6 ^ Description was marked as Defendant's  
7 Exhibit I, for identification, as of  
8 this date.)

9 Q I want to show you what's been marked as  
10 Defendant's Exhibit I for identification. It's  
11 another lease agreement, dated August 31st of 2006.  
12 And ask if this is also a lease in the Gore Road  
13 property?

14 A Yes.

15 Q Do you have any correspondence with any  
16 of these three tenants from January 1, 2007 to the  
17 present?

18 MR. CRACO: Does she have any  
19 correspondence from them to --

20 MR. RIMBERG: From them to her,  
21 from her to them, either way.

22 A I would have to look and see. But I  
23 mean, I don't know.

24 MR. RIMBERG: I would call for  
25 production, if any exists.

1 J. Halbritter 59

2 Q On the last page of Exhibit H, there's a  
3 signature above Jane Halbritter. Is that your  
4 signature?

5 A Yes.

6 Q You signed this on January 2, 2007; is  
7 that --

8 A No. I believe that's when she signed  
9 it.

10 Q When did you sign it, do you know?

11 A I really don't, because there's no date  
12 on it, and it's not notarized. So I don't know.

13 Q Exhibit I, is this the complete  
14 document?

15 MR. CRACO: Let me see.

16 MR. RIMBERG: (Handing.)

17 A No, I don't think so.

18 MR. RIMBERG: All right. If I can  
19 get the complete document.

20 THE WITNESS: I thought I had it.

21 MR. CRACO: I intended to turn  
22 over the complete document. If I  
23 didn't, I will look into it.

24 Off the record.

25 (Whereupon, a discussion was held



1 J. Halbritter 60

2 off the record.)

3 MR. RIMBERG: Would you mark these  
4 as Defendant's Exhibits J, K and L,  
5 please?

6 (Whereupon, two pages^ Description  
7 was marked as Defendant's Exhibit J, for  
8 identification, as of this date.)

9 (Whereupon, four  
10 pages^ Description was marked as  
11 Defendant's Exhibit K, for  
12 identification, as of this date.)

13 (Whereupon, three  
14 pages^ Description was marked as  
15 Defendant's Exhibit L, for  
16 identification, as of this date.)

17 Q I want you to show you what's been  
18 marked as Defendant's Exhibit L, which is an indenture  
19 dated March 1st of 1983. I'm going to ask if you've  
20 seen that before?

21 A This looks like, yeah, I think -- well,  
22 I don't remember seeing it. But I think I know what  
23 it is.

24 Q This is a deed, correct?

25 A I guess.

1 J. Halbritter 61

2 Q For which property?

3 A It was a piece of property my dad gave  
4 me, long time ago, that I owned with my ex-husband.  
5 And I think he recently sold it.

6 Q Are you Ms. Jane Reese on this?

7 A Well I was, yes.

8 Q Was, at one point?

9 A Yes.

10 Q That's your maiden name?

11 A Well, it's my former married name. My  
12 maiden name is not that.

13 Q So my question is, if it was sold, were  
14 you contacted it was sold; or you don't know if it was  
15 sold?

16 A Yeah. He called me.

17 Q And said he was selling it?

18 A Yes.

19 Q Did you get any proceeds from this?

20 A Yes.

21 Q I want to show you what's been marked as  
22 Defendant's Exhibit K for identification. And this is  
23 a deed. Once again, appears to be two pages, dated  
24 July 6, 1987. Ask if you've seen that before?

25 A Yes.

1 J. Halbritter 62

2 Q Which property is this?

3 A I really don't know. Is this the Gore  
4 Road? Yeah, this looks like it's Gore Road. Yes.

5 Q This you still own?

6 A That's at Gore Road, yes.

7 Q I want to show you what's been marked as  
8 Defendant's Exhibit K?

9 MR. CRACO: If I may, just for the  
10 sake of accuracy, is it your testimony  
11 that you own this property, or is it  
12 more accurate to say that you are the  
13 sole owner of Gore, L.L.C. --

14 THE WITNESS: That's correct.

15 MR. CRACO: -- which owns this  
16 property?

17 THE WITNESS: Yes, exactly.

18 Q This deed has the transfer going from  
19 George Rossi to Jane Reese.

20 A Right.

21 Q Is there a subsequent deed transferring  
22 it from Jane Reese to another person or entity?

23 A I believe that it was put into the  
24 L.L.C. I think, I don't know.

25 Q Now the Gore Road, L.L.C. that you've

1 J. Halbritter 63

2 been mentioning, is there an operating agreement?

3 A I don't know what you mean.

4 Q Do you know when Gore Road was created,  
5 Gore Road, L.L.C. was created?

6 A I really don't. I'd have to look in my  
7 records and see. My accountants could probably answer  
8 that.

9 MR. RIMBERG: I leave a space as  
10 to when it was created.

11  
12 (INSERT)

13  
14 I'd also demand if there's any  
15 operating agreements, I get a copy of  
16 the operating agreement.

17 Q I want to show you as what's been marked  
18 as Defendant's Exhibit K for identification. Ask if  
19 you've ever seen this before?

20 A I must have, but I'm just trying to  
21 figure out what it is. I don't know how to read  
22 deeds, I think they're kind of hard to read.

23 MR. CRACO: I'm just going to  
24 remind the witness to just wait for a  
25 question and then just answer the

1 J. Halbritter 64

2 question that's asked.

3 A I said, I guess I've seen it, but I  
4 don't really know what it's for.

5 Q The Tuxedo Mobile Homes, is that the  
6 deed for it, or you don't know?

7 A I don't know.

8 Q What's the listed owner of Tuxedo Mobile  
9 Homes?

10 A What's the listed owner?

11 Q Who's the owner, who's the owner of  
12 Tuxedo Mobile Homes?

13 A Well, as I mentioned, through my dad's  
14 will, my brother Marc, my brother George and myself.

15 Q So this is just a piece of property it  
16 seems that you own individually?

17 MR. CRACO: Objection.

18 A Why are you saying this is Tuxedo?

19 Q I was asking if it was Tuxedo. I don't  
20 know where it was.

21 A No, I don't think this is Tuxedo.

22 Q Is there another property, you told us  
23 your ownerships include the construction company,  
24 Tuxedo Mobile Homes, Universal Linen, Gore Road, James  
25 Street Management. Is there something else you own?

1 J. Halbritter 65

2 A If I gave it to you, I must.

3 Q You're not sure where, though?

4 A I can't tell by the --

5 Q What's the name of the entity, if there  
6 is an entity, that owns the property at Tuxedo Mobile  
7 Homes?

8 A Tuxedo Mobile Homes, Inc. I think.

9 Q You're not sure?

10 A Not really.

11 MR. RIMBERG: I ask that a space  
12 be left for the correct corporate name  
13 that owns it.

14 Q I'm sure you have records that reflect  
15 that.

16 A Yes.

17

18 (INSERT)

19

20

21 MR. RIMBERG: Would you mark these  
22 as Defendant's Exhibits L and M, please?

23 (Whereupon, ^ Description was  
24 marked as Defendant's Exhibits L and M,  
25 for identification, as of this date.)

1 J. Halbritter 66

2 Q I want to go ahead and show you what's  
3 been marked as Defendant's Exhibit L for  
4 identification. Ask if you've ever seen this before,  
5 dated September 14, 2006?

6 A I think I know what this is  
7 (indicating). I'm sorry.

8 Q You're looking at what's been marked as  
9 Defendant's Exhibit K. While you were looking at it,  
10 did something refresh your recollection as to what  
11 property this goes with?

12 A Yes. I think it's a piece of property  
13 on Route 233 that I do own that I'd forgotten.

14 Q Is this vacant?

15 A Yes.

16 Q Who oversees the property?

17 A There's no oversight because it's just  
18 farmland.

19 MR. CRACO: A bunch of raccoons.

20 Q There are tax bills that have to be paid  
21 on it?

22 A Yes.

23 Q Where are those tax bills sent?

24 MR. CRACO: If you know.

25 A I don't know.

1 J. Halbritter 67

2 MR. RIMBERG: I call for  
3 production of the most recent tax bills.

4 And in fact I call for production  
5 of the most recent tax bills for all the  
6 real property that's been discussed so  
7 far in today's deposition.

8 MR. CRACO: Off the record.

9 (Whereupon, a discussion was held  
10 off the record and a brief recess was  
11 held at this time.)

12 MR. RIMBERG: I'm going back to  
13 Defendant's Exhibit I. Counsel's  
14 gracious enough to have to have his file  
15 brought over from his office. Since he  
16 is next door, it makes things easy, to  
17 check and see if this two page document  
18 is the entire lease agreement.

19 He's represented he's given to me  
20 what he has in his file, which is fine.  
21 The lease agreement on the first page  
22 has items one and two, which is the  
23 premise and consideration. The second  
24 page goes right to the acknowledgments.

25 So there's definitely something in



1 J. Halbritter 68

2 the middle that exists. We just need a  
3 copy of it.

4 MR. CRACO: I will go back and  
5 double check my files to make sure I  
6 have not omitted to produce to  
7 Mr. Rimberg anything that was provided  
8 to me by my client.

9 MR. RIMBERG: All right. And I  
10 ask that if you have produced  
11 everything, and there was an omission on  
12 your part, that if you can, Ms.  
13 Halbritter, to go ahead and check your  
14 files to see if you have a complete  
15 lease document.

16 MR. CRACO: So make sure you gave  
17 me everything you have, and I'll make  
18 sure I give everything to Mr. Rimberg.

19 THE WITNESS: Yeah.

20 Q I want to show you what's marked as  
21 Defendant's Exhibit L, which is a letter dated  
22 September 14, 2006 and ask if you've seen that before?

23 A Yes.

24 Q What is that letter?

25 A That's a letter from Governor Pataki

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2

saying that I was nominated for a term on the State

3

Insurance Fund, for a term from September to December.

4

Q "A term," what, say that again?

5

A Of three months.

6

Q That's your understanding of what this

7

letter says?

8

A It says, pursuant -- it's dated,

9

September. And it says that I'm to be a member of the

10

board of commissioners for a term that expires

11

December 31, 2006.

12

Q I want to show you what's marked as

13

Defendant's Exhibit M for identification, which is a

14

letter dated September 15, 2006. In it, it refers to

15

your oath of office that has to be filled out. My

16

question is, did you fill out this oath of office?

17

A I imagine I did.

18

Q Do you have a copy of this oath of

19

office?

20

A I apparently don't. I perhaps just sent

21

in the only copy.

22

MR. CRACO: For the record, you

23

did in response in my request, search

24

your files for any communications.

25

THE WITNESS: I did. Yeah, I

1 J. Halbritter 70

2 pulled out everything I had.

3 Q Did you ever attend any meetings for the  
4 State Insurance Fund board?

5 A Certainly.

6 Q When were those meetings?

7 A They generally have them on the third  
8 Wednesdays of the month, every month.

9 Q Did you attend them in 2006, after,  
10 obviously, September 15th?

11 A I would have to check my records. I  
12 haven't attended all the meetings.

13 Q In 2007, did you attend any of the  
14 meetings?

15 A I imagine. I'd have to check my  
16 attendance record.

17 Q Now when you say you're going to check  
18 your "attendance record," what are you going to check?

19 A I'd look at my calendar.

20 Q In your calendar, it's a written  
21 calendar?

22 A I'd look at my calendar or my American  
23 Express bills, to see if it look like I traveled up  
24 here.

25 MR. RIMBERG: I call for

1 J. Halbritter 71

2 production of these records to reflect  
3 attendance of these meetings.

4 MR. CRACO: I'm not quite sure  
5 that's what the witness indicated that  
6 they would reflect. But we'll take that  
7 under advisement.

8 MR. RIMBERG: I'll clarify.

9 Q You said that you keep a calendar?

10 A Well, not an accurate calendar. I'm  
11 somewhat erratic.

12 Q But there's a possibility, although  
13 erratic, that you would have written down if you had a  
14 meeting at the State Insurance Fund?

15 A Well, I would write down when the  
16 meetings were. I wouldn't necessarily write whether I  
17 attended it.

18 MR. RIMBERG: With regard to the  
19 calendar, I'd ask that it be produced  
20 for calendar year 2006, 2007.

21 Q Who is Kevin Fahey?

22 A One of my divorce attorneys.

23 Q That's a different name than you told us  
24 before.

25 A Yes. He's the -- I'm sorry, I thought I

1 J. Halbritter 72

2 mentioned his name. He's like, I think, an accountant  
3 slash lawyer.

4 Q Okay.

5 A He doesn't really do the divorce stuff.  
6 He does, I think you know, I think he will be helpful  
7 at some point.

8 Q What's at 25 Sydney Street, Cambridge,  
9 Massachusetts?

10 A My apartment that I had in Boston.

11 Q Do you still have it?

12 A I gave it up.

13 Q When?

14 A I would say this summer.

15 Q Was this a rental, or did you own it?

16 A It's a rental.

17 Q When did you start renting it?

18 A I think in July of '06. I kept it for a  
19 year.

20 Q What prompted you to rent an apartment  
21 in Cambridge, Massachusetts?

22 A I wanted to have a place in Florida and  
23 maybe a place in Boston. I wanted, you know, I just  
24 needed a place to live.

25 Q So you had Boston, Florida. You had the

1 J. Halbritter 73

2 one on the place, the one next to the nursing home,  
3 what street is that on?

4 A Garden Street.

5 Q Garden Street.

6 A Well, I don't own that house. So --

7 Q But you to use it, though?

8 A I use it. But that's only until I, you  
9 know --

10 MR. CRACO: Just answer the  
11 question he's asked.

12 A I mean I use it, yes.

13 Q In the house on James Street, do you pay  
14 electric on it?

15 A On James Street, I don't have a house on  
16 James Street.

17 Q What's the address of the house in Rome?

18 A Garden Street.

19 Q On the Garden Street house, that's 100  
20 West Garden Street, right?

21 A Yes.

22 Q You pay electric on it?

23 A Yes.

24 Q Do you pay water on it?

25 A Yes.

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2

Q Do you pay telephone on it?

3

A Yes.

4

Q And is there an alarm on the house?

5

A Yes.

6

Q Do you pay these bills by check?

7

A Yes.

8

Q Is --

9

A Well no, no. I tend to pay most of my

10 bills electronically.

11

Q Now the payments are made. Are they

12

from Jane Halbritter, or is it from the realty

13

company?

14

MR. CRACO: Objection.

15

Realty company? You mean James

16

Street Management company?

17

MR. RIMBERG: Yes, management

18

company.

19

MR. CRACO: Who cuts the checks or

20

for the wire transfers that pay for

21

those bills?

22

THE WITNESS: I believe myself.

23

But, you know, I think the accountants

24

make an adjustment for that. I'm just

25

not sure about the account things.

1 J. Halbritter 75

2 Q Do you have copies of the utility bills  
3 I just went through for the last twelve months

4 A I could look. I mean I could look. I'm  
5 not the best recordkeeper, but --

6 MR. RIMBERG: I call for  
7 production of these records.

8 Q Where are these bills sent to, the  
9 electric bills?

10 A Can I excuse myself?

11 MR. RIMBERG: Sure.

12 (Whereupon, a recess was taken at  
13 this time.)

14 Q The utility bills, the electric bill,  
15 where is that sent?

16 MR. CRACO: This is for the Garden  
17 Street --

18 MR. RIMBERG: Yes. We're  
19 continuing the line of questioning.

20 Q The Garden Street address.

21 A I'm not sure.

22 Q The telephone bill?

23 A I'm not sure. I would imagine --

24 Q The gas bill? I'm sorry.

25 A I would imagine Florida, but I'm not



1 J. Halbritter 76

2 sure.

3 Q The gas bill?

4 A I think that might go to the office.

5 Q Okay. And the water bill?

6 A I don't know.

7 Q Tax bill?

8 A I think that goes to Florida.

9 Q Okay. Do you have copies of any of  
10 these bills?

11 A I will check.

12 Q If you don't, do you accountants have  
13 it? Because you said that they reconcile everything?

14 A I don't know if they have copies of the  
15 tax bill to the amount that I paid. I don't know if  
16 they have copies of the bills, but I could ask.

17 MR. RIMBERG: I call for  
18 production of these documents.

19 Q I'd like to just go back to the State  
20 Insurance Fund. When you did attend meetings, where  
21 did you attend these meetings?

22 A Generally in New York City.

23 Q When you say "New York City," you mean  
24 Manhattan?

25 A Yes.

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Q Right down here at 199 Church?

3

A Yes.

4

Q Were you ever sent copies of the minutes

5

after the meetings?

6

A Yes.

7

Q Are you still sent copies of the minutes

8

every month?

9

A Yes.

10

Q Where are these minutes sent to?

11

A I believe Florida.

12

Q When you say you "believe," you're not

13

sure?

14

A I'm fairly sure. But I'm under oath, so

15

I want to be very careful and be certain, and I'd have

16

to check.

17

Q Do you have any of these still in the

18

envelope?

19

A I throw them out, I shred them.

20

Q Do you get copies of newsletters from

21

the State Insurance Fund?

22

A I think so.

23

Q Where are these newsletters sent to?

24

A I'm not sure.

25

Q Do you receive notices of meetings at

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1

2 the State Insurance Fund?

3 A Yes.

4 Q Where are those notices sent to?

5 A E-mail.

6 Q Do you currently hold credit cards?

7 A Yes.

8 Q Which ones?

9 A Oh that's a big list. American Express,

10 which is what I primarily use. I have Macy's

11 Bloomingdale's, Saks, Neiman's, Visa.

12 Q The AmEx bill, where is it currently  
13 sent?

14 A Florida.

15 Q For how long has it been sent to  
16 Florida?

17 A I would believe probably right from last  
18 year. I would you say last summer. You know, I'm  
19 speculating, but I think -- I would have to look.

20 MR. RIMBERG: I call for  
21 production of some record showing when  
22 it was switched down to Florida.

23 MR. CRACO: Under advisement.

24 Q What was your incentive to, as you put  
25 it, move down to Florida?

J. Halbritter

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25

A I didn't want to be anywhere near Rome,  
New York anymore. Because of the divorce, primarily.

Q Are you in contact with your husband  
still?

A No.

Q Back when you started the renovation in  
the Brighton apartment, you were in contact with him?

A We were at that point.

Q The other credit cards that you have  
let's call it the store credit cards, where are those  
bills sent?

A I think most to Florida.

Q If I asked you specifically, going down  
the list on each one where they're sent to, would you  
know the answer?

A Well, I know everything is sent to  
Florida. Because about -- I think about --

THE WITNESS: I think I gave it to  
you --

A -- about a year-and-a-half to two years  
ago, I went to the post office and changed my address.  
So even things that I didn't change -- you know, even  
if I didn't call the company, I knew the bill would go  
to Florida. Because that's where all my mail has gone

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1  
2 for the past year-and-a-half to two years.

3 MR. CRACO: Was that not in the  
4 package of stuff I sent you?

5 MR. RIMBERG: No.

6 A So I can't say that I was always good  
7 about getting everything changed. But I relied on the  
8 post office forwarding everything to me. I may have  
9 taken my time or may not have; but for the most part,  
10 I changed everything.

11 MR. CRACO: I have that. And if I  
12 neglected to include it in the stuff I  
13 produced, I apologize.

14 I was acting in considerable  
15 haste. But we have a document, a change  
16 of address form, to the post office.  
17 It's in my office; I'll fax it to you  
18 when we're finished.

19 I don't think my colleagues could  
20 lay hand on it easily.

21 Q This change of address that you said you  
22 submitted to the post office, was this after the  
23 divorce started?

24 A Yeah, I think so. I mean yeah, I think  
25 so. I don't even know when the divorce was started.

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2

Yeah, I would imagine.

3

MR. CRACO: Answer to the best of

4

your recollection, if you have one.

5

Q Was the incentive that you went ahead

6

and you changed the address with the post office that

7

you didn't want your husband seeing what you were

8

getting?

9

A No.

10

MR. RIMBERG: Would you mark these

11

as Defendant's Exhibits N and O, please?

12

(Whereupon, ^ Description was

13

marked as Defendant's Exhibits N and O,

14

for identification, as of this date.)

15

Q I want to show you what's been marked as

16

Defendant's Exhibit O and ask you what this is?

17

A That looks like correspondence to me

18

from the IRS.

19

Q Do you know the date of this

20

correspondence?

21

A I don't.

22

Q Do you know what document this came

23

from?

24

A I really don't.

25

Q There's, on the top right-hand side,

1 J. Halbritter 82

2 handwriting. Is that your handwriting?

3 A Yes, looks like.

4 Q So you have no idea what this document  
5 is, aside from that it has some typewritten  
6 information on the front?

7 A That's all I know.

8 Q Okay.

9 MR. RIMBERG: I assume you  
10 redacted everything here?

11 MR. CRACO: I didn't redact  
12 anything from that document. That's the  
13 only copy of that document she sent me.

14 Q Okay. So if this is what you sent your  
15 attorney, do you know where that came from?

16 A I don't know. I'd have to look, I don't  
17 even know.

18 Q I'm going to show you what's been marked  
19 as Defendant's Exhibit N. It says, State of New York  
20 Department of Health. And ask you what this is?

21 A It was my nursing home administrator's  
22 license.

23 Q Is it still active?

24 A No.

25 Q When did it expire?

J. Halbritter

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19

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21

22

23

24

25

A It looks like that says it expired in  
the end of 2005.

Q You didn't renew it?

A No.

Q Do you have any other licenses  
associated with the running or operation of a nursing  
home?

A No.

Q In 2007, did you see a dentist?

A I don't know. If the records say I did  
or didn't, I don't know.

Q Do you have recollection of seeing a  
dentist in 2007?

A I don't know if it was 2007. I don't  
remember when I go to my doctors. Show me what you  
have, and I'll tell you what --

Q No. It didn't say anything except the  
name and address. That's why I'm asking.

A I don't think I went in 2007.

Q At one point you went to Tardugno?

A Tardugno.

Q T-A-R-D-U-G-N-O, dental office?

A Yes, Dr. Tardugno.

Q Do you have a new dentist aside from



1 J. Halbritter 84

2 him, or that's still your dentist?

3 A Not yet. I don't -- would it be  
4 possible if I excuse myself?

5 MR. RIMBERG: Sure.

6 (Whereupon, a recess was taken at  
7 this time.)

8 MR. RIMBERG: Would you mark this  
9 as Defendant's Exhibits I-1 and P,  
10 please?

11 (Whereupon, packet ^ Description  
12 was marked as Defendant's Exhibit I-1,  
13 for identification, as of this date.)

14 (Whereupon, two pages was marked  
15 as Defendant's Exhibit P, for  
16 identification, as of this date.)

17 Q Your attorney just said after the break  
18 that you want to clarify something?

19 A Would you mind asking me the question --  
20 you asked me a question about my attendance at the  
21 State Insurance Fund meetings?

22 Q Yes?

23 A Would you ask me again, what was your  
24 question?

25 Q Well, I asked if you attended any

J. Halbritter

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2

meetings at the State Insurance Fund?

3

A Yes.

4

Q I asked if you attended any meetings in

5

2006.

6

Q Yes?

7

Q I asked you if you attended any meetings

8

in 2007?

9

A Yes.

10

Q Okay.

11

MR. CRACO: You had asked her at

12

one point if she recalled when she

13

attended meetings.

14

MR. RIMBERG: She said she wasn't

15

sure.

16

MR. CRACO: Right.

17

A I thought you said, which meetings did I

18

attend. I thought I had said, they have meetings

19

every third Wednesday of the month.

20

Q That's right.

21

A And I thought you were asking me which

22

meetings I attended.

23

Q You said you didn't know, and you were

24

going to check your calendar. That's why we're

25

discussing it --

1 J. Halbritter 86

2 MR. CRACO: And we will do that.

3 A I just though you meant exactly which  
4 meetings, and I didn't want to mislead. I mean, I  
5 went to a meeting yesterday. But I just wanted to be  
6 clear that I thought you were asking exactly which  
7 meetings I went to. And admittedly, I've missed some  
8 meetings.

9 Q Let's talk about yesterday. You said  
10 that you went to a meeting yesterday at the State  
11 Insurance Fund?

12 A Yes.

13 Q That was at 199 Church?

14 A Yes.

15 Q What kind of meeting was that?

16 A Just a commissioner meeting.

17 Q Were there other people in attendance?

18 A Yes.

19 Q Did you talk to anybody while you were  
20 there?

21 A Yeah, sure. Coffee break, sure.

22 Q Did anybody mention to you that know  
23 about the current lawsuit pending?

24 A No.

25 Q Did anybody mention that there was a

J. Halbritter

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1

2

foil request submitted?

3

A No.

4

Q Did you speak to any of the legal

5

attorney at the State Insurance Fund?

6

A No -- Well, not about anything with me.

7

Q Did you speak to the secretary of the

8

State Insurance Fund?

9

A Yesterday?

10

Q Yes.

11

A Yes.

12

Q What was the topic of conversation?

13

A I don't remember really. I mean I just

14

don't remember, I'm sorry.

15

Q Did you attend last month's meeting?

16

A No.

17

Q The month before that?

18

A I don't know.

19

Q Okay. I want to show you what's been

20

marked as Defendant's Exhibit letter I-1. We did I-1

21

because previously we marked Defendant's Exhibit I a

22

two page document that, I think we all agreed, was not

23

complete.

24

Counsel was kind enough to go next door

25

and pick up the entire lease agreement, which is

1 J. Halbritter 88

2 substantially longer. I'd like to show you the second  
3 to last page, which under Gore Road, LLC, there's a  
4 signature. Ask if you recognize that signature?

5 A It looks like mine.

6 Q And this is one of the three tenants at  
7 the Gore Road property?

8 A Yes.

9 Q I think I asked everything with the  
10 other one, so we don't have to go back.

11 MR. CRACO: Just wanted to give  
12 you a complete copy.

13 Q I want to show you what's been marked as  
14 Defendant's Exhibit P for identification, which is a  
15 two page document. This is what appears to be  
16 documents filled out with regards to a change of  
17 address. Ask you take a look at that?

18 A Yes.

19 Q Have you seen that before?

20 A I have.

21 Q What is that?

22 A It's a copy of the change of address  
23 that I filled at the post office.

24 Q A portion of it appears to be done  
25 through a computer printout, and a portion of it on

1 J. Halbritter 89

2 both pages have handwriting.

3 A Right.

4 Q Do you recognize handwriting?

5 A Looks like mine.

6 Q On both pages?

7 A Yes.

8 Q Did you have to sign this anywhere, on  
9 either page?

10 A Well, looks like, isn't that my  
11 signature?

12 Q I don't know.

13 A I think it is, yes.

14 Q Was this in your records, or did you get  
15 this off of a computer?

16 A No. I went to the post office to get  
17 it.

18 Q When did you go to the post office to  
19 get it?

20 A A few days ago.

21 Q When did you fill out this change of  
22 address here?

23 A It would be around these dates. I think  
24 there were two of these. Because, you know, these are  
25 two separate forms; they're not the same form.

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Q Yes.

3

A And one, I think, looks like four -- one

4

was done in April 4th of '06. Then one was done April

5

2nd, '07. One was for a post office box, and then I

6

decided to have it sent to my actual place.

7

Q Were you living at the same place in

8

April of '06 and April of '07?

9

A I don't believe so.

10

Q So you switched, I believe in April of

11

'06, you were renting an apartment at that point

12

still --

13

A Yes.

14

Q -- and then you moved to your regular

15

residence?

16

A Yes.

17

Q Did you ever receive any mail in the

18

Cambridge, Massachusetts location?

19

A Oh yes.

20

Q What kind of mail did you get there?

21

A Just different things. I mean bills and

22

things.

23

Q Now your health insurance, do you have a

24

health insurance card by any chance?

25

A I do. It's through my husband.

1 J. Halbritter 91

2 Q Do you have with you a copy of the  
3 health insurance card?

4 A I don't really -- I don't carry that. I  
5 carry it in a separate binder, kind of, just to not  
6 have any more to carry than I have to.

7 Q What company is it with?

8 A RemsCo. I think they're third party  
9 administrator. I think the Nation is self-insured.

10 Q Okay. So it's through the Nation?

11 A Yes.

12 Q The insurance company, what address do  
13 they have listed for you?

14 A Probably my husband's. Because I don't  
15 think I actually have an address, per se. I mean he  
16 pays for it, so I don't think they would have an  
17 address, per se.

18 MR. CRACO: Don't speculate.

19 MR. RIMBERG: I call for  
20 production of the insurance card and any  
21 mailings from the insurance company in  
22 the last nine months.

23 MR. CRACO: Okay.

24 Q You have a Social Security number,  
25 correct?



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J. Halbritter

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A Yes.

3

Q I'm not interested in what it is.

4

Normally, I'd ask what it is. With the Social

5

Security Administration, did you ever change your

6

address from Rome, New York to Florida?

7

A I don't think so.

8

Q Do you have a Social Security card?

9

A No.

10

Q Do you get a statement from the Social

11

Security Administration stated what your Social

12

Security withholdings were at the end of the year?

13

A I think I've seen something like that.

14

I don't know when, but I think I've seen a document

15

like that.

16

Q Do you have a copy of that?

17

A No.

18

MR. RIMBERG: I'd ask that a

19

search be done in case you do have it.

20

Q Are you on any board at Utica College?

21

A No.

22

Q Are you on a business programs advisory

23

council?

24

A Not that I know of. Maybe I might have

25

been at some point. I served on a lot of boards, but

1 J. Halbritter 93

2 I'm not currently.

3 Q So as of right now, the only board  
4 you're still on is the State Insurance Fund, that's  
5 it?

6 A I think so.

7 Q Okay. Do you get any minutes or  
8 anything like that from the Utica board?

9 A Not that I'm aware of.

10 Q The driver's license, you're going to  
11 get me a copy of your driver's license?

12 A Yes.

13 Q You're going to check as to anything  
14 else from the board of commissioners of State  
15 Insurance Fund, if you have anything else?

16 THE WITNESS: You're going to  
17 write all this down, right?

18 MR. CRACO: We'll get it at the  
19 end of the transcript.

20 THE WITNESS: Okay.

21 A Yes.

22 MR. CRACO: Taking all of this  
23 under advisement.

24 Q You've given us all the, and we've gone  
25 through all the, property that you own --

1 J. Halbritter 94

2 MR. CRACO: Real property.

3 Q -- in New York, real property, and in --

4 A I believe.

5 Q We've discussed all the properties that  
6 you've had leases for in the last few years, correct?

7 A I believe.

8 MR. RIMBERG: With regards to tax  
9 returns, just so it's on the record,  
10 we've stipulated that through 2006, she  
11 used her Rome address?

12 MR. CRACO: We've stipulated that  
13 all of the tax returns that she filed as  
14 well as K-1s issued to her for the tax  
15 year ending December 31, 2005, December  
16 31, 2004, December 31, 2003, all reflect  
17 the Rome, New York address for her.

18 MR. RIMBERG: Okay. Thank you.

19 MR. CRACO: We have also  
20 represented to you that she has not, to  
21 date, filed a 2006 personal income tax  
22 return; that an extension has been  
23 requested and we undertake to get the  
24 paperwork associated with that  
25 extension. And we will supply it to you

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as soon as we have it.

MR. RIMBERG: The other thing is the K-1s for 2006. I would gather that those were already done and your client's possession, at least some of these were done.

So I'd like to see those as well. Not for the numbers, but for the addresses.

MR. CRACO: I understand. We will follow up on that. I'm not sure it's true, but we will certainly look into that and give them to you if they exist.

Q Have you been a signatory, with the exception of the extensions we discussed, on any tax return in calendar year 2006 or 2007?

A I don't know.

MR. RIMBERG: I'd ask that a search be conducted. I ask for that, that may be quarterlies or something else.

MR. CRACO: Can I hear the question reread, please?

(Whereupon, the record was read by

LEX REPORTING SERVICE

1 J. Halbritter 96

2 the reporter.)

3 MR. CRACO: So your request is?

4 MR. RIMBERG: That you do a check  
5 to find out, let me know what's going  
6 on. I'd like to see the document.

7 MR. CRACO: Okay.

8 Q We went through your statement of assets  
9 net worth, which was Exhibit F. Were there any other  
10 schedules or statements done as part of the divorce  
11 proceeding that has a home address for you listed?

12 A I don't think so, but I don't know. I  
13 don't believe so.

14 Q Did you do a search or you're --

15 A I gave you what I had, so --

16 Q Did you call your attorney to find out  
17 if he had something else?

18 A I got several calls in to him. I have  
19 not received a call back from him.

20 MR. RIMBERG: I have a continuing  
21 request for that.

22 MR. CRACO: For what, for any  
23 other schedules besides the one we've  
24 produced here in redacted format as  
25 Exhibit F?

1 J. Halbritter 97

2 MR. RIMBERG: Yes.

3 Q Are you a signatory to any operating  
4 agreements whatsoever?

5 A I don't believe so.

6 Q Are you signatory to any kind of  
7 shareholder agreements?

8 A I mean I don't know what you mean. Does  
9 that mean like, am I a shareholder of a corporation?  
10 I mean, are bylaws considered?

11 MR. CRACO: Listen carefully to  
12 the question.

13 Q We went through the companies in which  
14 you have ownership today, correct?

15 A Right.

16 Q And you told us all of them, correct?

17 A Right.

18 Q As part of those companies, or maybe  
19 there are other companies you can think of, did you  
20 ever sign on a piece of paper that you're a part of  
21 those companies?

22 A That I'm part of those companies?

23 Q Yes. That we didn't discuss today.

24 A I don't think so.

25 Q Do you have any partnership agreements

J. Halbritter

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2 that you were a signatory to?

3 A I don't believe so.

4 Q What was the highest level of education  
5 you have?

6 A Bachelor's degree.

7 Q From what college?

8 A Regents college.

9 Q Where is that?

10 A In New York. I went to SU, and then I  
11 finished through the University of the State of New  
12 York.

13 Q I want to show you what's been marked as  
14 Defendant's Exhibit B, which is a copy of the  
15 assignment of interest and legal claims and ask if  
16 you've seen that before?

17 A I have.

18 Q Take a minute and look at it. I don't  
19 want you to answer before you've had a chance.

20 A Yes.

21 Q On the second page, there are  
22 signatures?

23 A Yes.

24 Q Do you recognize both of those?

25 A Yes, I do.

1 J. Halbritter 99

2 Q The first signature belong to whom?

3 A My brother, Marc.

4 Q And the one under that?

5 A Mine.

6 Q Did you, this document is dated April

7 12, 2007. Is that in and around the time that you

8 signed this document?

9 A To the best of my recollection, yes.

10 Q Who arranged for its crafting, if you

11 know?

12 MR. CRACO: Objection.

13 I'm going to instruct the witness,

14 in her answer, not to reveal any

15 communication she had with any attorney

16 who was representing her.

17 MR. RIMBERG: Right.

18 Q I just want to know who arranged for it.

19 A Who drafted it?

20 Q That's my second question. But who

21 arranged for the drafting of this document?

22 A I did.

23 Q What's the name, and as your counsel

24 said, I'm not interested in communication with

25 counsel, of the person who drafted this document?



1 J. Halbritter 100

2 A I would imagine, either Eric Facer or  
3 Lou Craco.

4 Q On the top, there's a scroll. Does that  
5 help refresh your recollection?

6 A Looks like Lou Craco.

7 MR. CRACO: I'm going to object.

8 Direct the witness's attention to  
9 the date.

10 THE WITNESS: Okay. I really  
11 would be speculating if I said I knew.

12 Q What was the reason that you had this  
13 document drafted?

14 A Just for ease of dealing with litigation  
15 matters. I basically ran a nursing home, and I just  
16 knew that I was about to enter a litigation. I  
17 thought it would be easier if I had sole authority to  
18 deal with issues.

19 Q So would it be accurate to say that the  
20 reason you entered into this assignment of interest  
21 and legal claim was to deal solely with the litigation  
22 issues coming up?

23 A Yes.

24 Q What was the consideration, if you know  
25 what that means, given by you to your brother for this

1 J. Halbritter 101

2 assignment of interest and legal claim?

3 MR. CRACO: Object to the  
4 question.

5 The document speaks for itself.

6 MR. RIMBERG: I'm asking her what  
7 she knows. I'm allowed to do that.

8 MR. CRACO: Objection.

9 A I would have said that. I would have to  
10 refer to the document and refresh my memory. If you  
11 want me to read it again, I will.

12 Q You can, that's fine.

13 A I don't really -- no. I'm sorry to say,  
14 I just -- I don't see it. So I don't remember. I  
15 don't recall.

16 Q Are you aware of the difference between  
17 having a lawsuit in state court and federal court?

18 MR. CRACO: Objection.

19 MR. RIMBERG: As a layman.

20 MR. CRACO: Object and instruct  
21 the witness not to answer.

22 Anything she would know about  
23 that, she would know from communications  
24 between me and her or her and Eric  
25 Facer.

1 J. Halbritter 102

2 MR. RIMBERG: That's a very big  
3 jump, thinking that her scope or  
4 knowledge is dependent on the last  
5 twenty-four months.

6 Q You can answer.

7 MR. CRACO: No, you can't. Other  
8 than things you've learned from Eric  
9 Facer or me in connection with our  
10 provision of legal services to you, do  
11 you have any information that's  
12 responsive to Mr. Rimberg's question?

13 THE WITNESS: No, I don't.

14 Q Did you have discussions with your  
15 brother in and around the time this assignment of  
16 interest and legal claims was drafted?

17 A I don't recall. I imagine.

18 Q Do you recall what you discussed with  
19 your brother?

20 A I don't recall.

21 Q Do you have an understanding what your  
22 brother gets if there's any monetary result from the  
23 lawsuit?

24 A Well, I would refer to the document  
25 again. I assume that we would divide the proceeds, I

1 J. Halbritter 103  
2 would assume. But I'd have to refer to the document  
3 to see that.

4 Q Was this your idea, to draft an  
5 assignment of interest and legal claim?

6 MR. CRACO: Objection.  
7 Don't answer that.

8 MR. RIMBERG: No. I didn't ask  
9 who told her. I asked if it was her  
10 idea.

11 MR. CRACO: I understand. I think  
12 it's close enough to the line, and I'm  
13 instructing the witness not to answer  
14 the question.

15 MR. RIMBERG: All right. We're  
16 just going to end up in Judge Pauley.

17 MR. CRACO: Okay.

18 MR. RIMBERG: I didn't ask what  
19 was discussed.

20 Q All right. Are you and your brother  
21 partners in a recovery, if it's monetary, from this  
22 lawsuit?

23 MR. CRACO: Objection.

24 Document speaks for itself.

25 MR. RIMBERG: I'm asking her what

1 J. Halbritter 104

2 she knows.

3 MR. CRACO: You can answer the  
4 question.

5 A I would just have to refer to the  
6 document to refresh my memory. And I would -- you  
7 know, I can sit here and read it again.

8 Q Go ahead, if that's what you need to  
9 refresh your recollection.

10 A It says, in exchange for the assignment,  
11 I agreed to share equally with Marc the net proceeds  
12 of any judgment. So I would assume that that speaks  
13 to what happens, should we recover anything.

14 Q In your mind, you and him are partners,  
15 then, in whatever the recovery is; is that correct?

16 MR. CRACO: Objection.

17 Legal term, partners. The  
18 document speaks for itself.

19 MR. RIMBERG: I'm not talking  
20 about the document. And you can say  
21 objection without an explanation,  
22 counsel.

23 Q Aside from the current legal action  
24 that's currently pending, are you or your brother  
25 currently engaged in any other activities with regards

1 J. Halbritter 105

2 to the nursing homes that you sold?

3 A Define activities, I guess.

4 Q Anything.

5 A Well I don't own the nursing homes  
6 anymore. So I mean, I don't -- I don't know. I don't  
7 know I guess.

8 Q So aside from the legal actions, are you  
9 performing any duties with regards to the nursing  
10 homes you sold?

11 A Not that I know of.

12 Q Okay. Is your brother doing anything  
13 that you're aware of?

14 A Not that I know of.

15 Q Okay. Was this assignment of interest  
16 and legal claims signed by you and your brother so you  
17 could bring an action in federal court?

18 MR. CRACO: Objection.

19 Don't answer that, to the extent  
20 that the answer would reflect anything  
21 you discussed with your lawyers.

22 To the extent that you can answer  
23 the question without revealing the  
24 content of discussions you've had with  
25 your lawyers, you can answer the

1 J. Halbritter 106

2 question.

3 A Could you repeat the question?

4 MR. RIMBERG: Would you read back  
5 the question, please?

6 (Whereupon, the record was read by  
7 the reporter.)

8 A I don't really know.

9 Q Whose suggestion was it to bring the  
10 action in federal court?

11 MR. CRACO: Objection.

12 Don't answer that.

13 Q Was the suggestion to bring it in  
14 federal court before or after this assignment of  
15 interest and legal claims was signed, and I'm not  
16 asking who told you?

17 MR. CRACO: Forget it. Objection.

18 Do not answer the question.

19 Q Since signing this assignment of  
20 interest and legal claims, have you spoken to your  
21 brother about this document at all?

22 A I don't remember, I don't know.

23 Q In and around the time that it was  
24 signed, do you have any notes or e-mails between you  
25 and your brother with regards to the signing of the

800-608-6085



1 J. Halbritter 107

2 assignment of interest and legal claims?

3 A No.

4 Q I want to show you what's been marked as

5 Defendant's Exhibit C for identification, which is

6 entitled, receivables document, which is seven pages.

7 Ask if you can take a look at that?

8 A (Complies.)

9 Q Have you taken a look at it?

10 A Yes.

11 Q On the last page, there's signatures.

12 Do you recognize those signatures?

13 A Yes.

14 Q On the line above where it says Jane

15 Halbritter, do you recognize that signature?

16 A The line -- oh you mean my signature?

17 Q Yes.

18 A Yes.

19 Q That's only way I can refer to it with

20 the record. Above the line where it says Marc Rossi,

21 there's a signature. Do you recognize that one?

22 A Yes. But I don't know if this is the

23 real receivables agreement.

24 MR. CRACO: That wasn't what he

25 asked you. He just asked you if

1 J. Halbritter 108

2 recognized the signature.

3 A Yes.

4 Q Do you recall when you signed this?

5 A I would assume at closing.

6 Q Says on here, January 3, 2006. Was that  
7 the day of the closing?

8 A Yes.

9 Q You don't know if this is the real one.  
10 What does that mean?

11 A Well you know, that's subject to  
12 litigation, so I would want to have my lawyer look at  
13 real one and make sure it's the exact same thing.  
14 Because it's not -- there's not signatures on every  
15 page. I mean, I see the signature page. Do you know  
16 what I'm saying?

17 MR. RIMBERG: Counsel, can you  
18 tell me if this is a full copy?

19 MR. CRACO: You've produced this  
20 document. Was this the document that  
21 was attached to the complaint?

22 MR. RIMBERG: Yes.

23 MR. CRACO: I haven't checked  
24 every page. But based on your  
25 representation that it is the document

1 J. Halbritter 109

2 we attached to the complaint, then we  
3 will stipulate that it is the  
4 authoritative version of the  
5 receivables.

6 MR. RIMBERG: I'm not saying I  
7 stipulate to it --

8 MR. CRACO: If you took this from  
9 Exhibit C, then as far as we're  
10 concerned, it's the receivables  
11 agreement.

12 MR. RIMBERG: Okay, good.

13 Q Before the execution of the assignment  
14 of of interest and legal claims, did you contact  
15 anybody at Stonehedge Acquisition Chittenango II,  
16 L.L.C. for written permission to have your brother  
17 assign his rights?

18 A No.

19 Q Did your brother contact anyone?

20 A Nope.

21 Q Did you or your brother contact anybody  
22 at Stonehedge Acquisition Rome, Roman numeral II,  
23 L.L.C. to get permission for the assignment of  
24 interest and legal claims that you and your brother  
25 signed?

1 J. Halbritter 110

2 A Yes.

3 Q Are you aware that the document entitled  
4 receivables agreement requires it?

5 MR. CRACO: Objection.

6 To the characterization, the  
7 document. If you want to direct her.

8 Q I'd like you to take a moment and read  
9 paragraph thirteen.

10 A (Complies.)

11 Q What's your understanding of this  
12 paragraph?

13 MR. CRACO: Objection.

14 A I don't really know.

15 Q You testified previously this was signed  
16 at the closing on January 3rd, correct?

17 A Correct.

18 Q Do you know who drafted the receivables  
19 agreement?

20 A I don't know.

21 Q At the closing, were you represented by  
22 counsel?

23 A Yes.

24 Q Was your counsel present when you signed  
25 this document?

1 J. Halbritter 111

2 A I had some counsel. I don't know, yes.

3 I assume.

4 Q You had a counsel present at the  
5 closing, correct?

6 A Yes.

7 Q And when you signed this, correct?

8 A Yes.

9 Q I want to show you what's been marked as  
10 Defendant's Exhibit E for identification, which is the  
11 stock purchase agreement.

12 MR. RIMBERG: If you'd like, I can  
13 use the one in the complaint to show  
14 her, or I can use this one. It's  
15 separated out.

16 MR. CRACO: It makes no  
17 difference. Why don't you use the  
18 separately broken out one?

19 Q Take a moment to look at that?

20 A (Complies.)

21 Q You've looked at it, okay. If you can  
22 go, it's not quite the last page, but if you go to  
23 page forty-seven?

24 A (Complies.) There is no page  
25 forty-seven.

1 J. Halbritter 112

2 Q We lost it in the copying. So then use  
3 the one attached to the complaint. May have fallen  
4 out. There is signatures on page forty-seven.  
5 Underneath Stonehedge nursing home Chittenango, Inc.,  
6 there's a signature. Do you recognize that signature?

7 A Looks like mine.

8 Q Is it yours?

9 A Yes.

10 Q Under Stonehedge Realty, Chittenango,  
11 Inc., there's a signature. Do you recognize that?

12 A Yes.

13 Q Whose signature is that?

14 A Mine.

15 Q Under the sellers, there's two  
16 signatures. The first one, whose is that?

17 A Mine.

18 Q And under that, there's an another  
19 signature above the line that says, Marc Rossi. Whose  
20 is that?

21 A My brother.

22 Q This document that's entitled, stock  
23 purchase agreement, this was drafted by your counsel?

24 MR. CRACO: Objection.

25 A I think it was collaborative effort.

1 J. Halbritter 113

2 MR. CRACO: What does this have to  
3 do with the subject matter of  
4 jurisdiction?

5 MR. RIMBERG: See in a minute.  
6 Believe me, I didn't want to have to go  
7 into this if I didn't have to.

8 Q When you signed this stock purchase  
9 agreement, were you represented by counsel?

10 A Yes.

11 Q Under the agreement, I refer you if you  
12 need your recollection refreshed, to section fourteen  
13 point three.

14 A What page would that be?

15 MR. CRACO: Take a moment to read  
16 it.

17 MR. CRACO: Okay.

18 Q In the first sentence --

19 A Can I -- am I allowed to speak with my  
20 counsel for a minute or no?

21 Q No. I started the question.

22 A I'm sorry.

23 Q In the first sentence, it uses the two  
24 words, proper assigns. What's your understanding of  
25 those words?

1 J. Halbritter 114

2 MR. CRACO: Objection.

3 Calls for a legal conclusion.

4 A I really don't know.

5 MR. CRACO: Do you want to talk  
6 before he asks another question?

7 THE WITNESS: May I? Can I take  
8 this?

9 (Whereupon, the witness and her  
10 attorney left the room.)

11 MR. RIMBERG: Would you read back  
12 the last question and answer, please?

13 (Whereupon, the record was read by  
14 the reporter.)

15 Q When you signed the stock purchase  
16 agreement, I don't remember if I asked it, you were  
17 represented by counsel, correct?

18 A Yes.

19 Q Did you ever inquire what proper assigns  
20 means?

21 MR. CRACO: Don't reflect  
22 anything --

23 Acquire of who?

24 MR. RIMBERG: Anybody.

25 MR. CRACO: Don't answer that



1 J. Halbritter 115  
2 question with respect to communications  
3 between you and your counsel.

4 Did you ever inquire what it meant  
5 to anybody else?

6 THE WITNESS: No.

7 Q I want to show you what's been marked as  
8 Defendant's Exhibit D for identification, which is a  
9 one page document entitled, combined closing statement  
10 purchase of stock and ask if you've seen that before?

11 A I believe so, yes.

12 Q Do you recognize any of the signatures  
13 on this page?

14 A I do.

15 Q Right above the line that says Jane  
16 Halbritter, is that yours?

17 A Yes.

18 Q The one above Marc Rossi, is that your  
19 brother?

20 A And this is the closing statement you  
21 executed at the closing.

22 A I believe so, yes.

23 Q I want to show you the complaint, which  
24 is marked as as Defendant's Exhibit A. And if you can  
25 take a look at paragraph two. It's alleged by you

1 J. Halbritter 116

2 that you're a resident of the state of Florida. What  
3 does that mean to you, being a resident to the state  
4 of Florida?

5 A Well that my body's there and that I  
6 live there.

7 Q Anything else?

8 A That I'm -- that's where I live.

9 Q When the assignment of interest and  
10 legal claims was signed by you, was anybody else there  
11 when you signed it?

12 A I don't remember.

13 Q Was your brother there?

14 A I don't remember if he was there, or if,  
15 you know, it was sent to him. I don't remember any of  
16 that.

17 Q Do you recall where you signed it?

18 A I don't recall. But I would think in  
19 Florida.

20 Q What would make you think that?

21 A Because that's where I'm mostly at, so  
22 law of averages.

23 Q Do you currently live with anybody in  
24 Florida?

25 A No.

1 J. Halbritter 117

2 Q How about in May of 2007?

3 A No.

4 Q April of 2007?

5 A No.

6 Q What prompted you in April of 2007 to  
7 renew your change of address with the post office?

8 A April of '07?

9 MR. CRACO: Do you want to put the  
10 document in front of her?

11 A My recollection is that -- I originally  
12 we had a post office box. And then I just decided it  
13 was more trouble than it was worth. Because I'd, you  
14 know, rather just get it right at the building where  
15 it was at.

16 Q Was it at the suggestion of somebody,  
17 you submit a new change of address?

18 A No.

19 Q Was there any reason, aside from  
20 litigation of claims, that you signed this assignment  
21 of interest and legal claims?

22 A Sorry?

23 Q Other than for litigation purposes, was  
24 there any other reason for the assignment?

25 MR. CRACO: Was there any other

1 J. Halbritter 118  
2 reason for Marc to assign his interest  
3 to her?

4 MR. RIMBERG: Yes.

5 MR. CRACO: Objection.

6 A I don't know.

7 Q Did you ask Marc to sign this?

8 A I don't remember.

9 Q You don't remember? Who had this  
10 drafted, you did or Marc?

11 MR. CRACO: Objection.

12 You've already asked this.

13 MR. RIMBERG: I just want to  
14 clarify this. Then we're done.

15 MR. CRACO: What is the point you  
16 want to clarify?

17 Q Who had this drafted?

18 A I did.

19 Q You have no recollection of any of the  
20 discussions you had with your brother at the time?

21 MR. CRACO: Objection.

22 A I can't remember what I had for lunch  
23 yesterday, so I really can't remember exact  
24 discussions with my brother about things.

25 MR. RIMBERG: At this time I have

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J. Halbritter

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no further questions.

There's a host of documents still outstanding. I'm going to ask expedited, as fast as humanly possible. Since the motion's on for January 5th, we're all under the gun to get this done.

MR. RIMBERG: I will talk to Lex.

At this point, I have no further questions. What I do want to do is just take a minute, make sure we have all the exhibits so I can make copies and get them to you later today.

-o0o-

(Whereupon, the deposition of JANE A.

HALBRITTER was concluded at 1:00 p.m.)

JANE A. HALBRITTER

Subscribed and sworn to  
before me this day  
LEX REPORTING SERVICE

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J. Halbritter

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1 J. Halbritter 121

2 I N D E X

3 WITNESS EXAMINATION BY PAGE  
4 JANE A. HALBRITTER MR. RIMBERG

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17 goings from Florida to New York 19  
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18 Voter registration and any associated  
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19 Search for correspondence with any of the  
three Gore Road property tenants 59  
20 Operating agreement for Gore Road, LLC 63  
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21 Halbritter's real property discussed  
in this deposition 67  
22 American Express bills to reflect attendance  
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23 Ms. Halbritter's calendar for years 2006,  
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24 Utility bills for Garden Street house 75  
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4	insurance company in last nine months	92
5	Search for statement from Social Security	
6	Administration, stating Ms.	
7	Halbritter's withholdings at the end	
8	of the year	92
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10	Document indicating if Ms. Halbritter is a	
11	signatory, with the exception of	
12	extensions discussed, on any tax return	
13	in 2006 or 2007	95, 96
14	Schedules or statements done as part of	
15	divorce proceeding that has Ms.	
16	Halbritter's home address listed	97

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14	Judy Levi's phone number	10
15	Judy Levi's address in New Hartford	10
16	Judy Levi's address in Florida	11
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18	apartment	12
19	Date Ms. Halbritter moved out of Mr.	
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24	Date Universal Linens became inactive	45
25	Date Gore, LLC was created	63
	Correct corporate name for Tuxedo Mobile	
	Homes	65

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J. Halbritter

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C E R T I F I C A T E

I, SHANNON CARSON, a shorthand  
reporter and Notary Public within and  
for the State of New York, do hereby  
certify:

That the witness(es) whose  
testimony is hereinbefore set forth  
was duly sworn by me, and the foregoing  
transcript is a true record of the  
testimony given by such witness(es).

I further certify that I am not  
related to any of the parties to this  
action by blood or marriage, and that I  
am in no way interested in the outcome  
of this matter.

SHANNON CARSON